IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

TUESDAY, THE 26TH JUNE 2007 / 5TH ASHADHA 1929

CRL.A.No. 495 of 2000()

ST.4518/1998 of JUDL. MAGISTRATE OF FIRST CLASS COURT, KUNNAMKULAM
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APPELLANT: COMPLAINANT

N.V.HARIDASAN, MANAGING PARTNER,
ASSOCIATED CHITS AND INVESTMENTS,
PERIMBILAVU.

BY ADV. SRI.VINOD MADHAVAN

RESPONDENTS: ACCUSED & STATE
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1. **K.S. SUNIL, S/O. SUBRAMANNIAN,**
   KALLIPARAMBIL HOUSE, KARIKKAD,
   PIN 680 519.

2. **STATE OF KERALA, REP.BY PUBLIC PROSECUTOR,**
   HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.C.K.SURESH

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 26/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.R. UDAYABHANU, J.

CRL.A.NO.495 OF 2000

DATED THIS THE26th DAY OF JUNE 2007

JUDGMENT

The appellant is the complainant in S.T.No.4518/98 in the file of the Judicial Magistrate of First Class, Kunnamkulam. The complaint was filed under Section 138 of the Negotiable Instruments Act. The accused was acquitted under Section 256(1) of the Code of Criminal procedure. It is the case of the appellant that on the particular day, he happened to be absent on account of his illness . In the circumstances, the order of the court below is set aside. The court below is directed to permit the appellant/complainant to further pursue the matter and dispose of the case on its merits. The appellant shall appear before the court below on 30-7-2007. The court shall issue fresh summons to the accused. The appeal is allowed.

K.R. UDAYABHANU, JUDGE

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K.R. UDAYABHANU,J.

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CRL.A.NO.495 of 2000

JUDGMENT

26-6-2007

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